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11 UNITED STATES DISTRICT COURT

12 TERRITORY OF GUAM

13 AMERICOPTERS, LLC.,

14 Plaintiff,

15 vs.

16 FEDERAL AVIATION ADMINISTRATION,

17 Defendant.

CIVIL NO. 03-00005

DEFENDANT'S *EX PARTE*
APPLICATION TO SHORTEN
TIME

18 The United States of America hereby applies *Ex Parte* to the Court for an order
19 shortening time to hear its Motion to Suppress Deposition. The Plaintiff has noticed a deposition
20 for April 6, 2007. The United States would need a decision prior to that date. This application is
21 supported by the attached Memorandum and attached Declaration of Marie Chenery.

22 Submitted this 2nd day of April, 2007.

23 LEONARDO M. RAPADAS

24 United States Attorney
25 Districts of Guam and NMI

26 BY: 

27 MIKEL W. SCHWAB
28 Assistant U.S. Attorney

FILED
DISTRICT COURT OF GUAM
APR - 2 2007
MARY L.M. MORAN
CLERK OF COURT

MEMORANDUM

Defendant applies to the Court *Ex Parte* for an Order shortening time to hear its Motion to Suppress Deposition.

Counsel for Plaintiff, David Ledger and Elyze McDonald of Carlsmith Ball LLP filed a Notice of Deposition; Declaration of Service on March 27, 2007 to take the deposition of FAA employee Donald Hamilton at the Carlsmith Ball LLP offices in Honolulu, Hawaii. The deposition is statutorily barred and Mr. Hamilton is not available at the date and time demanded.

Time is of the essence because Defendant needs a decision on the Motion to Suppress Deposition before the date of the deposition, Friday, April 6, 2007.

For the foregoing reasons, Defendant applies *Ex Parte* to this Court to shorten time to hear its Motion to Suppress Deposition.

Submitted this 2nd day of April, 2007.

LEONARDO M. RAPADAS

United States Attorney
Districts of Guam and NMI

BY: 

MIKEL W. SCHWAB
Assistant U.S. Attorney

DECLARATION OF MARIE CHENERY

1) I am a paralegal for the U.S. Attorney's Office, Districts of Guam and the NM I

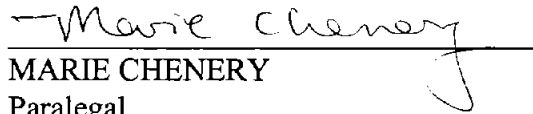
2) Pursuant to Local Rule 7.1(j)(A) on April 2, 2007 I contacted Plaintiff's counsel David Ledger and Elyze McDonald to inform them that the United States is applying to the Court *Ex Parte* for an Order to shorten time to hear Defendants Motion to Suppress Deposition.

3) Neither Mr. Ledger nor Ms. McDonald were available so I left a detailed voice mail for each of them regarding the *Ex Parte* Application, Motion to Suppress Deposition and Waiver of Hearing.

4) Mr. Ledger phoned Assistant U.S. Attorney Mikel Schwab and stated that he would likely oppose this Application.

I, Marie Chenery, declare under penalty of perjury that the foregoing paragraphs are true and correct to the best of my knowledge and belief.

Submitted this 2nd day of April, 2007.


MARIE CHENERY
Paralegal
U.S. Attorney's Office
Districts of Guam and the NMI